

## **EXHIBIT B**

**From:** Sharp, Samuel  
**Sent:** Thursday, November 12, 2020 2:46 PM  
**To:** John F. Luman III  
**Cc:** Talia Karas; Curran, Christopher; Rice, Stephanie; dow@dowgolub.com; connor@dowgolub.com; chris@flannerygeorgalis.com; idomnitz@sdmattorneys.com; kstephens@sdmattorneys.com; daniel@jacksonlaw-tx.com; Douglas A. Daniels; Sarah J. Ring; Daniel Fridman; Ally Rich  
**Subject:** RE: deposition schedule

Dear all,

Below is a memorialization of the agreements on the issues we discussed yesterday.

The TIC 30(b)(6) deposition will start at 9 am CST, 10 am EST on Tuesday, November 17, and will start at the same time on Wednesday, November 18 if necessary. Counsel for OnePoint confirmed it would be sending details regarding the remote deposition technology soon. TIC agreed to provide a list of which witness will be addressing each topic by the end of today, though TIC will reserve the right to adjust these selections if necessary before the deposition. Both sides agreed that TIC can read into the record at the deposition the parties' agreement that deposition testimony by Toshiba's general counsel, Tim Fraser, will not constitute a broad waiver of privilege or work product protections. TIC will not require OnePoint to serve Rule 30(b)(1) notices on the three corporate representatives. If questions go beyond the scope of the Rule 30(b)(6) topics, counsel will clarify for the record that the witness is answering based on personal knowledge and not on behalf of TIC.

Below is a summary of the agreements on OnePoint's submitted 30(b)(6) topics:

- Topic 3: Both sides agreed to limit the Topic to construction and maintenance and TIC confirmed it would provide a witness.
- Topics 14 and 15: TIC confirmed it will provide a witness on these topics.
- Topic 16: TIC will provide a witness to explain the factual basis for this allegation in the Amended Complaint.
- Topics 19-21: TIC will provide a witness to speak to the general understanding of the corporation about what relevant employees observed might have observed about the relationships between the OnePoint Defendants, the Kalaga Defendants, and Pablo D'Agostino.
- Topic 22: TIC will provide a witness to explain the factual basis for this allegation in the Amended Complaint, including explaining that documents form the basis for this allegation and that relevant documents have been produced to Defendants.
- Topic 23: OnePoint Defendants clarified they are interested in the process for approval of a purchase requisition order during the time D'Agostino was at TIC, and TIC confirmed it will provide a witness who can speak to this clarification.
- Topics 27-28: TIC confirmed it will provide a witness
- Topic 33: Defendants agree not to raise this topic at this time and TIC will not provide a witness on this topic.
- Topics 36-37: TIC confirmed it will provide a witness to explain the corporation's knowledge of these communications.
- Topic 39: This topic is being addressed through the Court and TIC will not provide a witness on this topic.

- Topic 40: TIC will provide a witness to repeat TIC's response to OnePoint's Interrogatory No. 2, which covers the same subject matter as the deposition topic.

We also are memorializing our follow-up regarding documents that OnePoint promised to provide in its Supplemental Response to our Interrogatories. It has been a month since those responses were served. Please provide us with a date when we can expect to receive this production so we do not have to involve the Court.

Regards,  
Sam

**Sam Sharp** | Associate  
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**From:** Sharp, Samuel  
**Sent:** Wednesday, November 11, 2020 4:56 PM  
**To:** 'John F. Luman III' <[luman@dtlawyers.com](mailto:luman@dtlawyers.com)>; Daniel Fridman <[dfridman@ffslawfirm.com](mailto:dfridman@ffslawfirm.com)>; Ally Rich <[arich@flannerygeorganis.com](mailto:arich@flannerygeorganis.com)>  
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**Subject:** RE: deposition schedule

John,

Thank you for the update. For discussion purposes only, I'm attaching a potential deposition calendar that can guide our discussion this afternoon. This reflects the new date for Mr. Joseph and OnePoint.

Regards,  
Sam

**Sam Sharp** | Associate  
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**From:** John F. Luman III <[luman@dtlawyers.com](mailto:luman@dtlawyers.com)>  
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**Subject:** Re: deposition schedule

All:

As a follow-up to my email of last week, in which I mentioned I needed to confirm the deposition date of Mr. Joseph and OnePoint, Mr. Joseph is available on **Wednesday, December 16, 2020**, for his individual deposition and as OnePoint's 30(b)(6) deponent.

Thanks.  
John



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**From:** "Sharp, Samuel" <[samuel.sharp@whitecase.com](mailto:samuel.sharp@whitecase.com)>

**Date:** Tuesday, November 10, 2020 at 3:05 PM

**To:** John Luman <[luman@dtlawyers.com](mailto:luman@dtlawyers.com)>, Daniel Fridman <[dfridman@ffslawfirm.com](mailto:dfridman@ffslawfirm.com)>, Ally Rich <[arich@flannerygeorgalis.com](mailto:arich@flannerygeorgalis.com)>

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**Subject:** RE: deposition schedule

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**CAUTION: EXTERNAL EMAIL**

Hi John,

I'll circulate a calendar invite for 4:30 central.

Regards,  
Sam

**Sam Sharp** | Associate  
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**From:** John F. Luman III <[luman@dtlawyers.com](mailto:luman@dtlawyers.com)>

**Sent:** Tuesday, November 10, 2020 3:17 PM

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**Subject:** Re: deposition schedule

I'm available tomorrow any time after 2 pm CST. Thanks.

**From:** Daniel Fridman <[dfridman@ffslawfirm.com](mailto:dfridman@ffslawfirm.com)>

**Date:** Monday, November 9, 2020 at 4:17 PM

**To:** Ally Rich <[arich@flannerygeorgalis.com](mailto:arich@flannerygeorgalis.com)>, John Luman <[luman@dtlawyers.com](mailto:luman@dtlawyers.com)>

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**Subject:** RE: TIC: deposition schedule

**CAUTION: EXTERNAL EMAIL**

Ally and John –

I am writing in response to your proposed deposition dates for your clients.

For Vinod Vemparala, the date you proposed, November 19, works for us.

For the OnePoint 30(b)(6) deposition and Abraham Joseph, the date you proposed, December 9 works for us.

Assuming these dates work for other defense counsel, we can proceed to schedule the depositions.

We also need to have a call this week in preparation for the TIC 30(b)(6) depositions next week to discuss the objections we raised. Please let me know if you are available to discuss this tomorrow at 5:30 pm eastern / 4:30 pm central or Wednesday at 12 noon eastern / 11 am central. I also suggest we be prepared to discuss an overall deposition schedule going into December / January.

Best,

Dan

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**From:** Ally Rich <[arich@flannerygeorgalis.com](mailto:arich@flannerygeorgalis.com)>

**Sent:** Thursday, November 5, 2020 1:49 PM

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**Cc:** Talia Karas <[tkaras@flannerygeorgalis.com](mailto:tkaras@flannerygeorgalis.com)>

**Subject:** TIC: deposition schedule

Gentlemen:

I hope you are well. Would you kindly let me know whether you intend to proceed on Thurs. Nov. 19 with the deposition of Mr. Vemparala and V2V Solutions, LLC? During our call last week, it seemed unlikely due to the two days allocated for TIC's 30(b)(6) deposition beginning on Tues. Nov. 17, but wanted to confirm.

Also, during the call it seemed that there would be emails exchanged regarding availability and scheduling of the remaining depositions. I haven't received any, but wanted to know whether you still planned to send these out.

Thanks,  
-ally

**Ally Rich**  
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